REGULATION I OF 1936.

(Received the assent of His Highness the Maharaja on the eleventh day of January 1936.)

A Regulation to consolidate and amend the Law regulating Labour in Factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Factories Regulation, 1936.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the 1st day of April 1936.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(*a*) "adolescent" means a person who has completed his fifteenth but has not completed his seventeenth year;

(*b*) "adult" means a person who has completed his seventeenth year;

(*c*) "child" means a person who has not completed his fifteenth year;

(*d*) "day" means a period of twenty-four hours beginning at midnight;

(*e*) "week" means a period of seven days beginning at midnight on Saturday night;

(*f*) "power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency;

(*g*) "manufacturing process" means any process

(*i*) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(*ii*) for pumping oil, water or sewage, or

(*iii*) for generating, transforming or transmitting power;

(*h*) "worker" means a person employed, whether for wages or not, in any manufacturing process, or in

cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work whatsoever incidental to or connected with the manufacturing process, or connected with the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on ;

(*j*) "factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on,

but does not include a mine subject to the operation of the Mysore Mines Regulation, 1906 ;

(*k*) "machinery" includes all plant whereby power is generated, transformed, transmitted or applied ;

(*l*) "occupier" of a factory means the person who has ultimate control over the affairs of the factory,

provided that where the affairs of a factory are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory ;

(*m*) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay," and the period or periods for which it works is called a "shift" ; and

(*n*) "prescribed" means prescribed by rules made by the Government under this Regulation.

Reference to time of day.

3. References to time of day in this Regulation are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time.

Seasonal Factories.

4. (1) For the purposes of this Regulation, a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton pressing, the decortication of groundnuts, the manufacture of coffee, lac, rubber, sugar (including *gur*) or tea, or any manufacturing process which is incidental to or connected with any of the aforesaid processes, is a seasonal factory ;

Provided that the Government may, by notification in the official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Regulation.

(2) The Government may, by notification in the official Gazette, declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Regulation.

Power to declare premises to be factories.

5. (1) Notwithstanding anything contained in clause (j) of section 2, the Government may, by notification in the official Gazette, declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power, and whereon or within the precincts whereof, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Regulation.

(2) A notification under sub-section (1) may be made in respect of any specified premises or class of premises.

(3) A notification under sub-section (1) shall cease to have effect in respect of any premises after the lapse of twelve months during which not more than nine workers were employed thereon on any day.

Power to declare departments to be separate factories.

6. The Government may, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Regulation.

Power to exempt on a change in the factory.

7. Where the Government is satisfied that, following upon a change of occupier of a factory or in the manufacturing process carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Regulation:

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

Power to exempt during public emergency.

8. In any case of public emergency, the Government may, by notification in the official Gazette, exempt any factory from any or all of the provisions of this Regulation for such periods as it may think fit.

Notice to inspectors before commencement of work.

9. (1) Before work is begun in any factory after the commencement of this Regulation, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing :—

(*a*) the name of the factory and its situation,

(*b*) the address to which communications relating to the factory should be sent,

(*c*) the nature of the manufacturing processes to be carried on in the factory,

(*d*) the nature and amount of the power to be used, and

(*e*) the name of the person who shall be the manager of the factory for the purposes of this Regulation.

(2) Whenever another person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Regulation.

CHAPTER II.

THE INSPECTING STAFF.

Inspectors.

10. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Regulation within such local limits as it may assign to them respectively.

(2) The Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Regulation, exercise the powers of an Inspector throughout the State.

(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business

carried on therein or in any patent or machinery connected therewith.

(4) Every District Magistrate shall be an Inspector for his district.

(5) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Regulation, within such local limits as it may assign to them respectively.

(6) In any area where there are more Inspectors than one, the Government may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, as in force in Mysore and shall be officially subordinate to such authority as the Government may specify in this behalf.

Powers of Inspector.

11. Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(*a*) enter with such assistants (if any), being persons in the employment of the Government or of any municipal or other public authority as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section 5;

(*b*) make such examination of the premises and plant and of any prescribed registers and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Regulation:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Certifying surgeons.

12. (1) The Government may appoint such registered medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively.

(2) A certifying surgeon may authorise any

registered medical practitioner to exercise any of his powers under this Regulation :

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself after examination of the person concerned.

Explanation.—In this section a "registered medical practitioner" means any person registered under the Mysore Medical Registration Regulation of 1931.

CHAPTER III.

HEALTH AND SAFETY.

Cleanliness.

13. Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorizing.

Ventilation.

14. (1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing, directing that mechanical or other devices for preventing such generation or inhalation shall be provided before a specified date, and shall thereafter be maintained in good order and used throughout working hours.

(4) The Government may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, which may be injurious to workers and specifying the nature of such devices.

Artificial humidification.

15. (1) The Government may make rules—

(*a*) prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased;

(*b*) regulating the methods used for artificially increasing the humidity of the air; and

(*c*) directing prescribed tests for determining the humidity and cooling properties of the air to be carried out and recorded.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

Cooling.

16. If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the Government that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.

Overcrowding.

17. In order that no room in a factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room.

Lighting.

18. (1) A factory shall be sufficiently lighted during all working hours.

(2) If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The Government may make rules requiring that all factories of specified classes shall be lighted in accordance with prescribed standards.

Water

19. (1) In every factory a sufficient supply of water fit for drinking shall be provided for the workers at suitable places.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every factory in which any process involving contact by the workers with injurious or abnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.

Latrines and urinals.

20. For every factory sufficient latrines and urinals, according to the prescribed standards, shall be provided, for male workers and for female workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

Doors to open outwards.

21. In every factory the doors of each room in which more than twenty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards, or, where the door is between two rooms, in the direction of the nearest exit from the building, and no such door shall be locked or obstructed while any work is being carried on in the room.

Precautions against fire.

22. In every factory such precautions against fire shall be taken as may be prescribed.

Means of escape

23. (1) Every factory shall be provided with such means of escape in case of fire as can reasonably be required in the circumstances of each factory.

(2) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the factory.

Fencing.

24. (1) In every factory the following shall be kept adequately fenced, namely :—

(*a*) every exposed moving part of a prime mover and every flywheel directly connected to a prime mover,

(*b*) every hoist or lift, hoist-well or lift-well and every trap-door or similar opening near which any person may have to work or pass, and

(*c*) every part of the machinery which the Government may prescribe to be kept fenced.

(2) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) All fencing required by or under this section or under sub-section (1) of section 26 shall be maintained in an efficient state at all times when the workers have access to the parts required to be fenced except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or altering the gearing or arrangements of the machinery.

(4) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

Power to require specifications of defective parts or tests of stability.

25. If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date—

(*a*) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or

(*b*) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

Safety of buildings and machinery.

26. (1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying

the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Inspector that the use of any building, or part of a building, or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

Restrictions on work near machinery in motion.

27. (1) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts or between fixed and moving parts of any machinery which is in motion under power.

(2) The Government may, by notification in the official Gazette, prohibit, in any specified factory or class of factories, the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

Power to exclude children.

28 (1) The Government may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

(2) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager of the factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

Prohibition of employment of women and children near cotton-openers.

29. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work;

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof, or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

Notice of certain accidents.

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send

notice thereof to such authorities, and in such form, and within such time, as may be prescribed.

Appeals.

31. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within thirty days of the service of the order, appeal against it to the Government, or to such authority as the Government may appoint in this behalf; and the Government or appointed authority may, subject to rules made in this behalf by the Government, confirm, modify or reverse the order.

(2) The appellate authority may, and if so required in the petition or appeal shall, hear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the Government may prescribe in this behalf:

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal, the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(3) In the case of an appeal against an order under section 16 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of section 26 or sub-section (2) of section 28 the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

Power of Government to make rules to supplement this Chapter.

32. The Government may make rules—

(*a*) providing for any matter which according to any of the provisions of this Chapter, is or may be prescribed;

(*b*) requiring the managers of factories to maintain stores of first-aid appliances and provide for their proper custody;

(*c*) providing against danger arising from the use of mechanical transport in factories, other than railways subject to the Mysore Railways Regulation, 1894;

(*d*) prescribing the manner of the service of orders under this Chapter on managers of factories;

(*e*) regulating the procedure to be followed in presenting and hearing appeals under section 31, and the appointment and remuneration of assessors;

(*f*) regulating the exercise by Inspectors of their powers under this Chapter; and

(*g*) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

Additional power to make health and safety rules relating to—

shelters during rest,—

33. (1) The Government may make rules requiring that in any specified factory, wherein more than one hundred and fifty workers are ordinarily employed, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters.

rooms for children,—

(2) The Government may also make rules—

(*a*) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and

(*b*) prescribing the standards for such room and the nature of the supervision to be exercised over the children therein.

certificates of stability,—

(3) The Government may also make rules, for any class of factories and for the whole or any part of Mysore requiring that work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Regulation until a certificate of stability in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

hazardous operations.

(4) Where the Government is satisfied that any operation in a factory exposes any person employed upon it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class of factories in which the operation is carried on—

(*a*) specifying the operation and declaring it to be hazardous,

(*b*) prohibiting or restricting the employment of women, adolescents or children upon the operation,

(*c*) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment, and

(*d*) providing for the protection of all persons employed upon the operation or in the vicinity of the place where it is carried on.

CHAPTER IV.

RESTRICTIONS ON WORKING HOURS OF ADULTS.

Weekly hours.

34. No adult worker shall be allowed to work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week:

Provided that an adult in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

Weekly holidays.

35. (1) No adult worker shall be allowed to work in a factory on a Sunday unless—

(*a*) he has had or will have a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(*b*) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier,—

(i) delivered a notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and

(ii) displayed a notice to that effect in the factory:

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to the office of the Inspector and a notice displayed in the factory not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

Daily hours.

36. No adult worker shall be allowed to work in a factory for more than ten hours in any day :

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

Intervals for rest.

37. The periods of work of adult workers in a factory during each day shall be fixed either—

(*a*) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour; or

(*b*) so that no period shall exceed five hours and so that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

Spread over

38. The periods of work of an adult worker in a factory shall be so arranged that, along with his intervals for rest under section 37, they shall not spread over more than thirteen hours in any day, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Notice of Periods for Work for Adults and preparation thereof.

39. There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Adults showing clearly the periods within which adult workers may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this section and shall be such that workers working for those periods would not be working in contravention of any of the provisions of sections 34, 35, 36, 37 and 38.

(3) Where all the adult workers in a factory are required to work within the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager

of the factory shall classify them into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shift, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts whereunder the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The Government may make rules prescribing forms for the Notice of Periods for Work for Adults and the manner in which it shall be maintained.

Copy of Notice of Periods for Work to be sent to Inspector.

40. (1) A copy of the Notice referred to in sub-section (1) of section 39 shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Regulation or, if the factory begins work after the commencement of this Regulation, before the day on which it begins work.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

Register of Adult Workers.

41. (1) The manager of every factory shall maintain a Register of Adult Workers showing—

(*a*) the name of each adult worker in the factory,

(*b*) the nature of his work,

(*c*) the group, if any, in which he is included,

(*d*) where his group works on shifts, the relay to which he is allotted, and

(*e*) such other particulars as may be prescribed :

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives in respect of any or all of the workers

in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the Register of Adult Workers in that factory:

Provided further that, where the Government is satisfied that the conditions of work in any factory or class of factories are such that there is no appreciable risk of contravention of the provisions of this Chapter in the case of that factory or factories of that class, as the case may be, the Government may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

(2) The Government may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

Hours of work to correspond with Notice under section 39 and Register under section 41.

42. No adult worker shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Adults displayed under sub-section (1) of section 39 and the entries made beforehand against his name in the Register of Adult Workers maintained under section 41.

Power to make rules exempting from restrictions.

43. (1) The Government may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter other than the provisions of clause (b) of sub-section (1) of section 45 and the provisos to that sub-section, shall not apply to any person so defined.

(2) The Government may make rules for adult workers providing for the exemption, to such extent and subject to such conditions, as may be prescribed in such rules —

(*a*) of workers engaged on urgent repairs—from the provisions of sections 34, 35, 36, 37 and 38;

(*b*) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory—from the provisions of sections 34, 36 37 and 38;

(*c*) of workers engaged in work which is necessarily so intermittent that the intervals during

which they do not work while on duty ordinarily amount to more than the intervals for rest required under section 37—from the provisions of sections 34, 36, 37 and 38;

(*d*) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day from the provisions of sections 34, 35, 36, 37 and 38;

(*e*) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day—from the provisions of section 35;

(*f*) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons—from the provisions of section 35;

(*g*) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of section 35 and section 37; and

(*h*) of workers engaged in engine-rooms or boiler-houses—from the provisions of section 35.

(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of sections 39 and 40 which the Government may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this section the Government shall prescribe the maximum limits for the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (*a*) of sub-section (2), shall be subject to such limits.

(5) Rules made under this section shall remain in force for not more than three years.

Power to make orders exempting from restrictions.

44. (1) Where the Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 39 and 40 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work.

(2) The Government, or subject to the control of the Government the Chief Inspector, may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 34, 35, 36, 37, 38, 39 and 40, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than two months from the date on which notice thereof is given to the manager of the factory.

Further restrictions on the employment of women.

45. The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following further restrictions, namely :—

(*a*) no exemption from the provisions of section 36 may be granted in respect of any woman ; and

(*b*) no woman shall be allowed to work in a factory except between 6 A.M. and 7 P.M.

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (*b*) to any span of thirteen hours between 5 A.M. and 7 P.M.

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified area, the Government may make rules imposing a further restriction by defining the period or periods of the day, within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (*b*) or under the above proviso and shall not be less than ten hours in the aggregate.

Special provision for night shifts.

46. Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day.

Provided that the Government may, by order in writing, direct that in the case of any specified factory or any specified class of workers therein the ensuing day

shall be deemed to be the period of twenty-four hours beginning when such shift begins and that the hours worked before mid-night shall be counted towards the ensuing day.

Extra pay for Overtime.

47. (1) Where a worker in any factory works for more than sixty hours in any week,

or where a worker in a factory other than a seasonal factory works for more than ten hours in any day,

he shall be entitled in respect of the overtime worked to pay at the rate of one and a half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more hours in any week than are permitted under section 34, he shall be entitled, in respect of the overtime worked excluding any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one and a quarter times his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, the Government in consultation with the industry concerned may for the purposes of this section fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) The Government may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

Restriction on double employment.

48. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

Control of overlapping shifts.

49. The Government may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

CHAPTER V.

SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN.

Prohibition of employment of young children.

50. No child who has not completed his twelfth year shall be allowed to work in any factory.

Non-adult workers to carry tokens giving reference to certificates of fitness.

51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(*a*) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(*b*) he carries while he is at work a token giving a reference to such certificate.

Certificates of fitness.

52. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2) The certifying surgeon, after examination, may grant to such person, in the prescribed form —

(*a*) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work; or

(*b*) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2), if in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory.

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 12 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state his reasons in writing for so doing.

Effect of certificate granted to adolescent.

53. (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (*b*) of sub-section (2) of section 52, and who,

while at work in a factory, carries a token giving reference to the certificate, shall be deemed to be an adult for all the purposes of Chapter IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult, under sub-section (2) of section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Regulation.

Restrictions on the working hours of a child.

54. (1) No child shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shall not spread over more than seven and a half hours in any day.

(3) No child shall be allowed to work in a factory except between 6 A.M. and 7 P.M.

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 A.M. and 7 P.M.

(4) The provisions of section 35 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child.

(5) No child shall be allowed to work in any factory on any day on which he has already been working in another factory.

Notice of Periods for Work for Children.

55. (1) There shall be displayed and correctly maintained in every factory, in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Children, showing clearly the periods within which children may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 39 and shall be such that children working for those periods would not be working in contravention of section 54.

(3) The provisions of section 40 shall apply also to the Notice of Periods for Work for Children.

(4) The Government may make rules, prescribing forms for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

Register of Child Workers

56. (1) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing—

(*a*) the name of each child worker in the factory,
(*b*) the nature of his work,
(*c*) the group, if any, in which he is included,
(*d*) where his group works on shifts, the relay to which he is allotted.
(*e*) the number of his certificate of fitness granted under section 52, and
(*f*) such other particulars, as may be prescribed.

(2) The Government may make rules prescribing the form of the Register of Child Workers, the manner in which it shall be maintained, and the period for which it shall be preserved.

Hours of work to correspond with Notice and Register.

57. No child shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Children displayed under sub-section (1) of section 55 and the entries made beforehand against his name in the Register of Child Workers maintained under sub-section (1) of section 56.

Power to require medical examination.

58. Where an Inspector is of opinion—

(*a*) that any person working in a factory without a certificate of fitness is a child or an adolescent, or

(*b*) that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be, shall be examined by a certifying surgeon or by a practitioner authorised under sub-section (2) of section 12, and such person, child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

Power to make rules.

59. (1) The Government may make rules—

(*a*) prescribing the forms of certificates of fitness to be granted under section 52, providing for the grant of duplicates in the event of loss of the original certificates, and fixing the fees which may be charged for such certificates and such duplicates;

(*b*) prescribing the physical standards to be attained by children and adolescents;

(*c*) regulating the procedure of certifying surgeons under this Chapter, and specifying other duties which they

may be required to perform in connection with the employment of children and adolescents in factories; and

(*d*) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

(2) The Government may also make rules requiring that in any specified factory wherein more than fifty children are ordinarily employed, provision shall be made for the education of such childern in such subjects and up to such standards, as may be prescribed or approved by the Government.

CHAPTER VI.

PENALTIES AND PROCEDURE.

Penalty for contravention of Regulation and rules.

60. If in any factory—

(*a*) there is any contravention—

(*i*) of any of the provisions of sections 13 to 29 inclusive, or

(*ii*) of any order made under any of the said sections, or

(*iii*) of any of the said sections read with rules made in pursuance thereof under clause (a) of section 32, or

(*iv*) of any rule made under any of the said sections or under clause (*b*), clause (*c*), or clause (*g*) of section 32 or section 33, or

(*v*) of any condition imposed under sub-section (3) of section 31, or

(*b*) any person is allowed to work in contravention—

(*i*) of any of the provisions of sections 34 to 38 inclusive, 42, 45 and 48, or

(*ii*) of any rule made under any of the said sections, or under section 49, or

(*iii*) of any condition attached to any exemption granted under section 43 or section 44 or to any permission granted under section 38 or section 49, or

(*c*) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under

section 41 or to any modification or relaxation made under section 44, or

(*d*) any person is not paid any extra pay to which he is entitled under the provisions of section 47, or

(*e*) any adolescent or child is allowed to work in contravention of any of the provisions of sections 50, 51, 54, 55, 57 and 58, or

(*f*) there is any contravention of section 55 or section 56 or of any rules made under either of these sections, or under clause (*d*) of section 59,

or (*g*) there is any contravention of any rules made under sub-section (2) of section 59,

the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees:

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention shall not exceed this amount.

Enhanced penalty in certain cases after previous conviction.

61. If any person who has been convicted of any offence punishable under clauses (*b*) to (*f*) inclusive of section 60 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished:

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

Penalty for failure to give notice of commencement of work or of change of manager.

62. An occupier of a factory who fails to give any notice required by sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to five hundred rupees.

Penalty for obstructing Inspector.

63. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce

on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Regulation or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to give notice of accidents.

64. A manager of a factory who fails to give notice of an accident, as required under section 30, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to make returns.

65. If in respect of any factory any return is not furnished as required under section 77, the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees.

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted shall not exceed this amount.

Penalty for smoking or using naked light in vicinity of inflammable material.

66. Whoever smokes, or uses a naked light or causes or permits any such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to five hundred rupees.

Exception.—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process.

Penalty for using false certificate.

67. Whoever knowingly uses or attempts to use, as a certificate granted to himself under section 52, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person shall be punishable with fine which may extend to twenty rupees.

Penalty on guardian for permitting double employment of a child.

68. If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, guardian or person.

Penatly for failure to display certain notices.

69. A manager of a factory who fails to display the notice required under sub-section (1) of section 76 or by any rule made under this Regulation or to display or

maintain any such notice as required by sub-section (2) of that section, shall be punishable with fine which may extend to five hundred rupees.

Determination of "occupier" for purposes of this Chapter.

70. (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable.

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident in Mysore to be the occupier of the factory for the purposes of this Chapter, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable.

Provided that the company may give notice to the Inspector that it has nominated a director, or in the case of a private company, a shareholder, who is resident in either case in Mysore, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

Exemption of occupier or manager from liability in certain cases.

71. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Regulation, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings :—

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Presumption as to employment.

72. If a child over the age of six years is found inside any part of a factory in which children are working, he shall, until the contrary is proved, be deemed to be working in the factory.

Evidence as to age.

73. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set-forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that worker.

Cognizance of offences.

74. (1) No prosecution under this Regulation, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector,

(2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation or any rule or order made thereunder, other than an offence under section 66 or section 67.

Limitation of prosecutions.

75. No Court shall take cognizance of any offence under this Regulation or any rule or order thereunder, other than an offence under section 62 or section 64, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed;

Provided that when the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed.

CHAPTER VII.

SUPPLEMENTAL.

Display of factory notices.

76. (1) In addition to the notices required to be displayed in any factory by this Regulation or the rules made thereunder, there shall be displayed in every factory a notice containing such abstracts of this Regulation and of the rules made thereunder, in English and in the vernacular of the majority of the workers, as the Government may prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory, and shall be maintained in a clean and legible condition.

Power of Government to make rules.

77. The Government may make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may, in its opinion, be required for the purposes of this Regulation.

Publication of rules.

78. (1) All rules made under this Regulation shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Regulation 1899 shall not be less than three months from the date on which the draft of the proposed rules was published.

(2) All such rules shall be published in the official Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

Application to Government factories.

79. This Regulation shall apply to factories belonging to the Government.

Protection to persons acting under this Regulation.

80. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Repeal and savings.

81. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

Provided that anything done under the said enactments which could have been done under this Regulation if it had then been in force shall be deemed to have been done under this Regulation.

The Schedule

ENACTMENTS REPEALED.

(*See section 81.*)

Year	No.	Short Title	Extent of repeal
1914	III	The Mysore Factories Regulation	The whole
1925	VI	The Mysore Factories (Amendment) Regulation	

MIRZA M. ISMAIL,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.